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PATENT AND TRADEMARK OFFICE

# TRANSMITTAL FORM

(to be used on all correspondence after initial filing)

ATTORNEY DOCKET NO.

11669.0266USU2

U.S. APPLICATION SERIAL NO.

08/948,149

CONFIRMATION NO.

6683

FILING DATE

October 9, 1997

INVENTOR(S)

Brian M. FENDLY et al.

EXAMINER

Rodney P. SWARTZ

GROUP ART UNIT

1645

TITLE OF APPLICATION

Anti-ErB2 Antibodies

ADDRESS TO:

Mailstop Amendment  
Commissioner for Patents  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

## ENCLOSURES

- ☒ Transmittal Form
- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 (1 Sheet)
- ☒ Copies of Cited Documents (1)
- ☒ Japanese Office Action (7 pages)
- ☒ Return Postcard

☒ Please charge Deposit Account No. 13-2725 in the amount of \$0.00 to cover any required fees. In the event any variance exists between this amount and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR §1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 CFR §1.136 for the necessary extension of time.

## CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: **23552** OR ☐ the correspondence address below.


Name

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City

State

Zip Code

NAME		REGISTRATION NO.	
SIGNATURE		DATE	May 18, 2007
NAME	Christopher W. Raimund	TELEPHONE	202 326-0300
		REGISTRATION NO.	47,258



<b>INFORMATION DISCLOSURE STATEMENT</b> 37 C.F.R. § 1.97(c)		ATTORNEY DOCKET NO. <b>11669.0266USU2</b>	
		U.S. APPLICATION SERIAL NO. <b>08/948,149</b>	CONFIRMATION NO. <b>6683</b>
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INVENTOR(S) <b>Brian M. FENDLY et al.</b>	EXAMINER <b>Rodney P. SWARTZ</b>	GROUP ART UNIT <b>1645</b>	
TITLE OF APPLICATION <b>Anti-ErB2 Antibodies</b>			

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. All of the references listed on the enclosed Form 1449 were recently cited in the Japanese Office Action mailed February 20, 2007.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. No fee is due as this statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.

**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement. In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

Applicant(s) note(s) reference(s) 1 also listed in the search report was/were previously cited to or by the Examiner.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

May 18, 2007

Date

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Respectfully submitted,

MERCHANT & GOULD, P.C.



Christopher W. Raimund  
Registration No. 47,258

**23552**

Patent & Trademark Office

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



<b>INFORMATION DISCLOSURE STATEMENT (PTO 1449)</b>		ATTORNEY DOCKET NO. <b>11669.0266USU2</b>	
		U.S. APPLICATION SERIAL NO. <b>08/948,149</b>	CONFIRMATION NO. <b>6683</b>
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TITLE OF APPLICATION <b>Anti-ErB2 Antibodies</b>			

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A						

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	B						

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
C	BORGSTRÖM, et al., "COMPLETE INHIBITION OF ANGIOGENESIS AND GROWTH OF MICROTUMORS BY ANTI-VASCULAR ENDOTHELIAL GROWTH FACTOR NEUTRALIZING ANTIBODY: NOVEL CONCEPTS OF ANGIOSTATIC THERAPY FROM INTRAVITAL VIDEOMICROSCOPY," <i>Cancer Research</i> , 56, pp. 4032-4039, (Sept. 1, 1996)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if the reference is considered, whether or not the citation is in conformance with MPEP 609. Draw a line through the citation if it is not in conformance and it is not considered. Include a copy of this form with the next communication to the Applicant.